

UNITED STATES DISTRICT COURT
D I S T R I C T O F C O L O R A D O

THE STATE OF COLORADO,

Plaintiff,

And

THE UNITED STATES OF AMERICA

Defendant.

COURT'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

15 OCTOBER 2023

DENTSVILLE, BOULDER COUNTY, CO

BEFORE THE HON. CHIEF JUDGE NEWPLAYERQWERTY

APPEARANCES:

FOR THE PLAINTIFF:

BY: MAXONYMOUS, ESQ.

ATTORNEY-AT-LAW

FOR THE DEFENDANT:

UNITED STATES DEPARTMENT OF JUSTICE

BY: JONOFDOOM, ESQ.

UNITED STATES ATTORNEY-GENERAL

TRANSCRIPT BY: THE HON. CHIEF JUDGE

Proceedings recorded by video camera, transcript produced
by manual dactylography from recording.

P R O C E E D I N G S

19:14 UNIVERSAL CO-ORDINATED TIME [UTC]

THE COURT: Good evening gentlemen.

PLAINTIFF: Afternoon*.

DEFENDANT: Good evening, your honor.

THE COURT: It is currently 19:14 UTC let's try and keep this brief I know someone has a car race or something of the like to attend and that someone else might be called away on other business.

DEFENDANT: Attorney-General Jonofdoom, representing the defence.

[Counsel for plaintiff is wearing a suit jacket visually similar to the jacket normally worn by Judge Qwerty]

DEFENDANT: Yes indeed.

THE COURT: I'll let the [pause] contemptuous costume pass in light of that - Plaintiff? [Pause] Does the plaintiff have anything to say?

[Counsel for plaintiff stands up and approaches the courtroom podium].

PLAINTIFF: Opening? Sorry I was tabbed out.

THE COURT: Yes.

PLAINTIFF: Hello your Honour, today we're here because the Federal government--

THE COURT: Don't take too long - both of you - please.

PLAINTIFF: Stole our road without our consent.

[Counsel for plaintiff returns to Counsel table. Counsel for defendant rises and approaches the podium].

THE COURT: Right OK. Attorney-General?

DEFENDANT: We disagree with that argument, your honour, and we will show you through the trial our grounds.

[Counsel for defendant returns to counsel table.]

THE COURT: Well if the plaintiff wants to proceed with their case.

[Counsel for plaintiff rises and approaches the podium.]

PLAINTIFF: The Dresden Road Ownership Act claims the Dresden Road from the stretch of the NG [Reporter's Note: National Guard] base borders as federal property. We the

State did not give consent. This is a classic case of the violation of state sovereignty caused by the enactment of a Federal law. "Although the states surrendered many powers to the new Federal Government, they retained a residuary and inviolable sovereignty that is reflected throughout the Constitution's text." Printz v. United States [Rep. Not. 521 U.S. 898, 899 (1997)] The ownership and regulation of roads that do not occur between states is a reserved power of the States. See U.S. Const. Amend. X. The Dresden Road is not an interstate road so the protections of the Commerce Clause do not adhere to this case. Moreover, this Act does not fall under the Federal Government protections of U.S. Const. Art. I § 8 [the] "Necessary and Proper Clause" because this delegation of ownership a state road through Federal law outright absurd. "If a law violates the state sovereignty principle, it is not a law 'proper for carrying into Execution' delegated powers within the Necessary and Proper clause's meaning." Printz - citing New York v. United States [Rep. Not. 505 U.S. 144, 166.]. The enforcement of this law without the consent of the State of Colorado directly usurps the State's reserved powers over regulation of their own roads. I yield.

[Counsel for the plaintiff vacates the podium. Counsel for the defendant approaches the podium. A member of the public from the upper balcony throws a grenade into the courtroom near the podium. The Court hastily rises and makes for an exit of the courtroom away from the grenade. Counsel for the defendant is hit by a grenade and projected

towards the judge's bench. The Court is killed by a second grenade. The parties and the Court respawn in different locations.]

THE COURT: Recess at [19]:23 for the parties to return.

19:26 UTC

[Counsel for the United States already present at the podium, The Court seated upon the bench. Counsel for the plaintiff at Counsel Table.]

THE COURT: Resuming at [19]:26. [Pause]
Attorney-General.

DEFENDANT: Plain and simple, the Supremacy Clause of the United States Constitution allows for any laws of the United States to take priority over the laws of any State. Now, I must note that the road itself- [Turning to Plaintiff's counsel]- was it the Dresden Road, counsellor?-

THE COURT: Dresden, yes.

PLAINTIFF: This guy hasn't even read the law.

DEFENDANT: Right, and if I were not mistaken, isn't that where the National Guard base is[?] Apologies for the need for clarification-

PLAINTIFF: Are you asking me buddy[?] [Pause] This isn't an interview.

THE COURT: Well I plan on taking judicial notice of a map that says that, yes.

DEFENDANT: Alright, anyways, we should note that the reasoning that applies behind this law-

THE COURT: Just to be clear, nobody's contesting that the Dresden Road Act applies to Dresden Road and that there's a military base on there right?

PLAINTIFF: A State military base.

THE COURT: A Colorado National Guard base. Got it.

DEFENDANT: And that's where I was going to clarify the statement from the counselor.

THE COURT: Attorney-General go ahead, sorry about the interruption.

DEFENDANT: Operations of the United States Military happen on that base. It's not just the Colorado National Guard. Who, I should note, ultimately responds to the Commander-in-Chief of the Armed Forces, the President of the United States. I should know, your honour, I serve in

the United States Military. The law aims to help assist in the safeguarding of the base and so the Act is necessary. I yield back.

[Counsel for defendant returns to counsel table.]

PLAINTIFF: Rebuttal?

DEFENDANT: Yes please, if your honour doesn't mind.

THE COURT: The government can rebut...the other government.

[Counsel for plaintiff rises and approaches the podium.]

THE COURT: Maybe I should refer to both of you as the government...

PLAINTIFF: USM [Rep. Not. - United States Military] does not operate in the CNG base. There is no USM team. GMS [Rep. Not. - Group Managers] have stated that once on team in Boulder, they are considered NG [Rep. Not. - National Guard]. Also, the base is owned by the State per the CNG Act passed by the State government. The law cannot be considered necessary and proper once again because it violates the 10th Amendment. I yield.

THE COURT: So it's State land? Or is this Federal land?

PLAINTIFF: State land.

[Counsel for Defendant rises and approaches the podium.]

DEFENDANT: Fairly quick response, there are operations of the USM that occur on base. One of which includes the training of new recruits. Via the Joint Education Training Command which I happen to work for as an instructor.-

THE COURT: Just so you know I plan on freeing each of you about 10 minutes before [20]:00 so in about 20 minutes if you two don't mind.

DEFENDANT: Anyways. [Pause] The JETC is a component of the USM and is ultimately controlled by the Federal Government, so it isn't right to say that the USM does not have any operations within the base. I yield back.

[Counsel for the Defendant returns to counsel table.]

PLAINITFF: Last rebuttal?

THE COURT: Right so what I'm getting out of the parties is that on the Dresden Road there's a military base, and that in that military base there's CONG [Rep.

Not. - Colorado National Guard] units stationed and the JETC? Is that correct or is that also contested?

PLAINTIFF: Yes the road goes through the CNG base.

DEFENDANT: The JETC only trains on base recruits who are on Phase 3, I should add.

THE COURT: What's phase 3?-

PLAINTIFF: This case is not about the operations of USM in the CNG base, it's about how they stole our road.

DEFENDANT: That is the last stage before a recruit becomes a soldier.

THE COURT: By the way the [20]:00 guidelines are for you two but if you are happy going on a bit longer I'm more than happy to continue if needed.

DEFENDANT: I'm just adding some much needed clarification.

PLAINTIFF: I'm ready to go to closing.

DEFENDANT: Same here. [Pause] We do lessons for Phase 3 and have the recruits stand by the entrance gates.

THE COURT: Let's get back to the case quickly - so the base says that the base is State land, does the Federal Government have a position on that statement?

DEFENDANT: As there are operations of the U.S. Military on that base, we would argue that it is Federal land-

PLAINTIFF: I was tabbed out.

DEFENDANT: He was asking for the Federal Government's position.

THE COURT: Got it[,] right. I lastly remember seeing something on one of your pleadings about "security concerns" around the base - is someone willing to explain what he meant by that?

PLAINTIFF: [I don't know] what he meant. [Pause] How does stealing a road have to do with that?

DEFENDANT: That would be, for example, threats to the operation of the military, such as yesterday, when we had several intruders on base. We have a checkpoint-

PLAINTIFF: Yes, a State checkpoint-

DEFENDANT: -that allows us to screen every person.

THE COURT: How did the intruders enter?

DEFENDANT: That, I am not sure of. They probably went through the checkpoint and hopped a fence. I do remember one person was in camouflage.

THE COURT: Right I see.

DEFENDANT: In a USM uniform.

PLAINTIFF: All CNG personnel on team-

THE COURT: OK well do the parties have anything else to say or should we just move onto closing arguments?

PLAINTIFF: -must wear CNG uniforms.

DEFENDANT: We're ready for closing arguments.

PLAINTIFF: I have a race to prepare for.

DEFENDANT: Yeah indeed. I wouldn't want to waste his time.

THE COURT: By the way before we close I would like to remind the parties that if they have any material which I can take judicial notice of [inaudible] Acts, Regulations, items of popular [Rep. Not. - public] record etc. which they rely on in their argument they're free to send it to

me after the hearing. Anyway, so, closing arguments, the government.

PLAINTIFF: OK.

[Counsel for plaintiff rises and approaches the podium.]

PLAINTIFF: The enforcement of the Dresden Road Ownership Act is a dangerously broad conception of Executive power - one that if left unchecked, could allow future federal laws to encroach upon State sovereignty. The Court must not allow that to occur. We respectfully ask that the court declare this Act unconstitutional so that the road can be returned back to the State. I yield.

THE COURT: I see. The government?

[Counsel for the defendant rises and approaches the podium.]

DEFENDANT: Your honour, the Act is constitutional as per the Supremacy Clause of the United States Constitution. This allows for our USM to take better control of the base, in which the USM operates in. This is not a gross misstep of Congressional power. We urge you to look at the facts and come with a respectful conclusion. I yield. Thank you your honour.

[Counsel for the Defendant resumes his seat at counsel table.]

THE COURT: Thank you. Any final remarks?

DEFENDANT: None from me, your honour. [Pause] Other than good trial.

THE COURT: The State?

PLAINTIFF: What, sorry? I was reading a book.

DEFENDANT: Any final remarks.

PLAINTIFF: No.

THE COURT: [Inaudible]

DEFENDANT: Glad we were able to get this done in one sitting with minimal disruptions.

THE COURT. ADJOURNED. I wish to thank Mr. Justice Sinz for keeping us safe today.

Proceedings adjourned at 19:46 UTC.

* * * * *

CERTIFICATE OF COURT REPORTER

I, NEWPLAYERQWERTY, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my recording and is a full, true and complete transcript of the proceedings to the best of my ability, dated this 17th day of October 2023.

/s/Newplayerqwerty

Chief Judge, United States District Court